

REMARKS

In the Board of Patent Appeals & Interferences (BPAI) Decision mailed November 23, 2010 the BPAI took the position that, in part, "[w]e find no disclosure in the Specification explaining how illustrated pivoting mechanisms 2a, 3a would function without a pivot point on lower body 2b and on upper body 3b, respectively" and, therefore, affirmed the rejection of claims 1-14 under 35 U.S.C. §112, second paragraph. The BPAI added that though the "Specification discloses that a user can directly manipulate movement means 2, 2a and 3, 3a" it "does not disclose how the user would do so".

Applicant disagrees and traverses these rejections for at least the following reasons.

Initially, the Applicants note that the claims are not directed at a movement means that includes "a pivot point on a lower body and on an upper body" , Thus, there is no requirement for such a structure to be shown in the Specification as the BPAI held. Nonetheless, to expedite examination the Applicants have submitted replacement drawings that further detail the pivoting mechanisms 2a and 3a. Accordingly, the rejections appear to be moot.

Because it appears that the Examiner has withdrawn the other bases for rejecting the claims, the Applicant submits that the application is now in condition for allowance. Alternatively, if the Examiner is asserting the same, previously asserted rejections under grounds other than §112, second

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paragraph , then the Applicant reiterates her positions set forth in her previous response to such rejections.

Respectfully submitted,

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